

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 30

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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**Ex parte** PIETER M. MIELEKAMP and  
FRANKLIN H. SCHULING

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Appeal No. 2002-0386  
Application No. 08/553,281

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ON BRIEF

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Before JERRY SMITH, FLEMING, and DIXON, **Administrative Patent Judges**.  
DIXON, **Administrative Patent Judge**.

**DECISION ON APPEAL**

This is a decision on appeal from the examiner's final rejection of claims 1-15, 17 and 18, which are all of the claims pending in this application. Claim 16 has been canceled.

We REVERSE.

Appellants' invention relates to a method of operating an interactive image display system and image source device for implementing the method. An understanding of the invention can be derived from a reading of exemplary claim 1, which is reproduced below.

1. A method of operating an interactive image display system, the image display system comprising an image source device and a user terminal connected to said image source device via a link, the user terminal having a user control input, the method comprising the steps of:
  - (a) receiving an input image signal representing an input image;
  - (b) receiving a user command from the user control input;
  - (c) generating a further image signal, dependent on the user command, the further image signal representing an image part, the further image signal being modifiable based upon said user command;
  - (d) forming a compressed image signal in the image source device, said compressed image signal representing an output image corresponding to the input image with the image part superimposed thereon; and
  - (e) transmitting the compressed image signal from the image source device to the user terminal via the link, said transmission allowing for decompression of the compressed image signal and subsequent display of the output image, both at the user terminal.

The prior art of record relied upon by the examiner in rejecting the appealed claims is as follows:

Hansen	4,958,297	Sep. 18, 1990
Sakamoto et al. (Sakamoto)	4,992,782	Feb. 12, 1991

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Chen et al. (Chen)	5,257,113	Oct. 26, 1993
Johnson	5,745,610	Apr. 28, 1998
		(Eff. filing date Jul.22, 1993)

Smith, B.C., "Algorithms for Manipulating Compressed Images," IEEE Computer Graphics & Applications , pp. 34-42, Sep. 1993.

Claims 1, 2, 11 and 12 stand rejected under 35 U.S.C. § 103 as being unpatentable over Sakamoto in view of Hansen, Chen and Johnson. Claims 3-10, 13-15, 17 and 18 stand rejected under 35 U.S.C. § 103 as being unpatentable over Sakamoto, Hansen, Chen and Johnson in view of Smith.

Rather than reiterate the conflicting viewpoints advanced by the examiner and appellants regarding the above-noted rejections, we make reference to the examiner's answer (Paper No. 29, mailed Mar. 13, 2001) for the examiner's reasoning in support of the rejections, and to appellants' brief (Paper No. 28, filed Dec. 26, 2000) for appellants' arguments thereagainst.

### **OPINION**

In reaching our decision in this appeal, we have given careful consideration to the appellants' specification and claims, to the applied prior art references, and to the respective positions articulated by appellants and the examiner. As a consequence of our review, we make the determinations which follow.

While we find that the examiner has set forth what appears at first blush to be a ***prima facie*** case of obviousness of the claimed invention and addressed all of appellants' arguments, we find that the examiner has not directly addressed one of appellants' arguments. From our review of the examiner's answer, we agree with the examiner and find that appellants have not provided specific argument(s) that there is not sufficient motivation to combine the teachings of the four and five references in combination. Therefore, this general argument is not persuasive.

With respect to substantive arguments to the specific language of independent claims 1 and 11, appellants argue that the combination of references does not teach all of the limitations and in particular "means/step for transmitting the compressed image signal including the input image and the further image signal superimposed thereon" in claims 1 and 11. (See brief at page 6.) From our review of the claimed invention, we do not find this specific language in either of the claims. While there are steps of "forming a compressed image . . ." and "transmitting the compressed image . . ." in claim 1 and "superimposing means . . ." and "transmitting means . . ." in claim 11, we do not find express support for the argued limitation. Nor do we find that the examiner has either identified this deficiency or addressed this relevant portion of the compressing and transmitting elements of the claims.

From our review of the claimed invention, we find that a second image data must be superimposed or combined within the input image and then the combination of the

two image data portions must be compressed and then transmitted/output. From our review of Sakamoto, Sakamoto does not compress the input TV signal for the output. We find that Sakamoto teaches that plural alphanumeric portions may be superimposed in a compressed form on the display with the TV data in Figures 4 and 8, but we do not find that Sakamoto teaches or fairly suggests that the input signal is compressed with the superimposed alphanumeric data. The examiner merely states that “compression of an image is taught by Sakamoto and superimposing of video image and computer image is suggested by Hansen. Thus the combination of these two references reads on applicant’s [sic, applicants’] claimed invention.” We do not find that this sweeping conclusion by the examiner addresses the claimed invention. Nor do we find any discussion by the examiner where Sakamoto or any of the other prior art references applied against the claims teaches or fairly suggests that the combination of images is compressed after the superimposition and then the output of this combined image. Therefore, we cannot sustain the rejection of independent claims 1 and 11 and their dependent claims.

## **CONCLUSION**

To summarize, the decision of the examiner to reject claims 1-15, 17, and 18 under 35 U.S.C. § 103 is reversed.

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**REVERSED**

JERRY SMITH  
Administrative Patent Judge

MICHAEL R. FLEMING  
Administrative Patent Judge

JOSEPH L. DIXON  
Administrative Patent Judge

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RUSSELL GROSS, ESQ.  
PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR NY 10510